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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,065	04/20/2005	Daniel Laret	4590-391	6178

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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05/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,065

Applicant(s)

LARET ET AL.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Specifically, Applicant should remove the legal phraseology used e.g., "said,".

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4 & 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claims 3 and 4, the phrase "said bearing planes" [plural] is unclear and confusing as presently worded since the limitation recited in claim 2, from which both claims depend, refers to a bearing plane [singular]. As such, the metes and bounds of the patent protection desired is not readily apparent with the employed terminology. In Claim 6, the phrase "comprises a compression spring" is unclear as presently utilized since the phrase may constitute a

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double inclusion of the previously defined "compression spring" as set forth in claim 1. As such, it is not clear if this is a new and distinct limitation, or if the second occurrence of "compression spring" is meant to be a further narrowing of the previously defined limitation. In Claim 6, the phrase "associated with an abutment used to hold the hook..." is not properly understood in view of the disclosure as originally filed since it is not readily apparent from the drawings how the spring is associated with an abutment in order to perform the intended function of holding the hook. Appropriate clarification is required. In Claim 6, the phrase "the abutment position" does not have a proper antecedent basis. In Claims 7 & 8, the phrase "a front face" is unclear as presently utilized since the phrase may constitute a double inclusion of the previously defined "front face" as set forth in claim 1. As such, it is not clear if this is a new and distinct limitation, or if the second occurrence of "front face" is meant to be a further narrowing of the previously defined limitation. In Claim 11, the phrase "said housing" does not have a proper antecedent basis. Consequently, the remaining claims are rejected since they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 12-15 & 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Poe [U.S. Patent No. 3,039,837]. Poe (figures 1-6) teaches of a device (fig. 1) for lock-fixing an apparatus (20) comprising a front face (24), and at least two lateral sides (left & right sides) designed to be mounted in a rack (10) comprising side

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walls (left & right walls) along which the lateral sides of the apparatus are inserted, the device comprising: first (37) and second (19) fixing elements respectively secured to the two lateral sides of the apparatus and to the side walls of the rack, the first element being moved by operating a handle (33, 34) in order to interact with the second fixing element to fix the apparatus in the rack, a mechanism (shown in figs. 4 & 5) for locking the handle, the handle having a gripping member (34) connected to a handle body (33) situated on a lateral side of the apparatus, wherein the locking mechanism comprises a sliding hook (55) situated on one of the lateral sides close to an edge of the front face and a compression spring (56), arranged so that, in the locking phase, the handle being operated by the user in a rotary movement to fix the apparatus, the handle body moves along the lateral side comprising the hook, retracting the hook, thus freeing the handle to pass, after the passage of the handle, the compression spring repositions the hook thus serving as an abutment to said handle body in the locked position (note fig. 5). As to claim 2, the hook has a bearing plane (top portion) interacting with a bearing plane (53) of the handle body to serve as an abutment. As to claim 3, the bearing planes are in a plane parallel to the sliding axis of the hook as readily apparent to the examiner. As to claim 4, the bearing planes are in a plane beveled relative to the sliding axis of the hook (note fig. 5). As to claim 5, the bearing plane of the handle body extends longitudinally, its longitudinal dimension being greater than that of the bearing plane of the hook (fig. 5). As to claim 6, the locking mechanism comprises a compression spring (56 as noted above) associated with an abutment (59 so far as indefinite and as best understood by the examiner) used to hold the hook in the abutment position for the handle body in the locked position of the handle. As to claim 7, the apparatus has a front face with a rim (edge members)

arranged on at least one of its sides, the sliding hook and the compression spring are integrated into a housing (39 for example) formed in the edge. As to claim 8, the apparatus having a front face rimmed by a frame (21 for example – so far as broadly claimed) the rim forms one side of the frame. As to claim 12, a slope (sloped surface on top of 55) is made on the sliding hook allowing the hook to be retracted during locking of the handle. As to claim 13, the handle body is secured to the side of the apparatus via a rotating pivot (38). As to claim 14, the first fixing element is supported by one end of the handle body, opposite relative to the pivot of the end to which the gripping member is connected. As to claim 15, the first fixing element and the second fixing element, secured to the rack, have complementary shapes making it possible to fasten them to one another when the apparatus is pushed into the rack to be fixed. As to claims 17-19, there is a fixing element on each side of the apparatus, and what may be viewed as constituting two handles (33) on each side of the apparatus that interact with the second fixing elements, wherein the gripping members of the handles form a central bar (34) allowing the handles to be operated simultaneously, wherein an area of reduced thickness (note the cut-out shown in the side walls of fig. 1) is disclosed allowing the handle body to be housed.

Allowable Subject Matter

6. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 9-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Paul et al., Caldwell, Fall et al., Paquin, Darbo et al., and WO 00/36885 describe devices for lock-fixing an apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
April 30, 2007